

AMENDED IN SENATE APRIL 27, 2016
AMENDED IN SENATE MARCH 15, 2016
AMENDED IN ASSEMBLY JANUARY 25, 2016
AMENDED IN ASSEMBLY MAY 20, 2015
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AMENDED IN ASSEMBLY APRIL 23, 2015
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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1300

Introduced by Assembly Member Ridley-Thomas

February 27, 2015

An act to amend Sections 5008, 5113, 5150.1, and 5270.50 of, ~~and~~ to add Sections 5014, 5025, 5113.5, and ~~5150.3~~, *5150.3 to*, and to add Article 1.1 (commencing with Section ~~5150.10~~ *to*, 5160) *to Chapter 2 of Part 1 of Division 5 of*, the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1300, as amended, Ridley-Thomas. Mental health: involuntary commitment.

Under existing law, when a person, as a result of a mental disorder, is a danger to others, or to himself or herself, or gravely disabled, he or she may, upon probable cause, be taken into custody by a peace officer, member of the attending staff of an evaluation facility, designated members of a mobile crisis team, or other designated professional

person, and placed in a facility designated by the county and approved by the State Department of Health Care Services as a facility for 72-hour treatment and evaluation.

This bill would specify, among other things, procedures for delivery of individuals to various facilities for mental health evaluation and treatment; procedures for probable cause determinations for detention and evaluation for treatment; terms and length of detention, when appropriate, in various types of facilities; and criteria for release from designated facilities and nondesignated hospitals, as defined. The bill would exempt specified providers of health services and peace officers from criminal or civil liability for the actions of a person after his or her release from detention, subject to specified exceptions. The bill would authorize a provider *certain emergency transport providers and providers of ambulance services to transfer a person who is voluntarily transferring to a designated facility for evaluation and treatment. to continue the detention of an individual for the purpose of transporting the individual, as specified.* The bill would require a designated facility to accept, within its clinical capability and capacity, all persons for whom it is designated, without regard to insurance or financial status. The bill would also make changes to the methods by which the county is notified of the release of a person detained for evaluation and treatment, including notification through the 24-hour toll-free telephone number established by the county's mental health program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5008 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 5008. Unless the context otherwise requires, the following
- 4 definitions shall govern the construction of this part:
- 5 (a) "Evaluation" consists of multidisciplinary professional
- 6 analyses of a person's medical, psychological, educational, social,
- 7 financial, and legal conditions as may appear to constitute a
- 8 problem. Persons providing evaluation services shall be properly
- 9 qualified professionals and may be full-time employees of an
- 10 agency providing face-to-face, which includes telehealth,
- 11 evaluation services or may be part-time employees or may be
- 12 employed on a contractual basis.

1 (b) “Court-ordered evaluation” means an evaluation ordered by
2 a superior court pursuant to Article 2 (commencing with Section
3 5200) or by a superior court pursuant to Article 3 (commencing
4 with Section 5225) of Chapter 2.

5 (c) “Intensive treatment” consists of hospital and other services
6 as may be indicated. Intensive treatment shall be provided by
7 properly qualified professionals and carried out in facilities
8 qualifying for reimbursement under the California Medical
9 Assistance Program (Medi-Cal) set forth in Chapter 7 (commencing
10 with Section 14000) of Part 3 of Division 9, or under Title XVIII
11 of the federal Social Security Act and regulations thereunder.
12 Intensive treatment may be provided in hospitals of the United
13 States government by properly qualified professionals. Nothing
14 in this part shall be construed to prohibit an intensive treatment
15 facility from also providing 72-hour evaluation and treatment.

16 (d) “Referral” is referral of persons by each agency or facility
17 providing assessment, evaluation, crisis intervention, or treatment
18 services to other agencies or individuals. The purpose of referral
19 shall be to provide for continuity of care, and may include, but
20 need not be limited to, informing the person of available services,
21 making appointments on the person’s behalf, discussing the
22 person’s problem with the agency or individual to which the person
23 has been referred, appraising the outcome of referrals, and
24 arranging for personal escort and transportation when necessary.
25 Referral shall be considered complete when the agency or
26 individual to whom the person has been referred accepts
27 responsibility for providing the necessary services. All persons
28 shall be advised of available precare services that prevent initial
29 recourse to hospital treatment or aftercare services that support
30 adjustment to community living following hospital treatment.
31 These services may be provided through county or city mental
32 health departments, state hospitals under the jurisdiction of the
33 State Department of State Hospitals, regional centers under contract
34 with the State Department of Developmental Services, or other
35 public or private entities.

36 Each agency or facility providing evaluation services shall
37 maintain a current and comprehensive file of all community
38 services, both public and private. These files shall contain current
39 agreements with agencies or individuals accepting referrals, as
40 well as appraisals of the results of past referrals.

(e) “Crisis intervention” consists of an interview or series of interviews within a brief period of time, conducted by qualified professionals, and designed to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the person or the family. The interview or interviews may be conducted in the home of the person or family, or on an inpatient or outpatient basis with such therapy, or other services, as may be appropriate. The interview or interviews may include family members, significant support persons, providers, or other entities or individuals, as appropriate and as authorized by law. Crisis intervention may, as appropriate, include suicide prevention, psychiatric, welfare, psychological, legal, or other social services.

(f) “Prepetition screening” is a screening of all petitions for court-ordered evaluation as provided in Article 2 (commencing with Section 5200) of Chapter 2, consisting of a professional review of all petitions; an interview with the petitioner and, whenever possible, the person alleged, as a result of a mental health disorder, to be a danger to others, or to himself or herself, or to be gravely disabled, to assess the problem and explain the petition; when indicated, efforts to persuade the person to receive, on a voluntary basis, comprehensive evaluation, crisis intervention, referral, and other services specified in this part.

(g) “Conservatorship investigation” means investigation by an agency appointed or designated by the governing body of cases in which conservatorship is recommended pursuant to Chapter 3 (commencing with Section 5350).

(h) (1) For purposes of Article 1 (commencing with Section 5150), Article 2 (commencing with Section 5200), and Article 4 (commencing with Section 5250) of Chapter 2, and for the purposes of Chapter 3 (commencing with Section 5350), “gravely disabled” means either of the following:

(A) A condition in which a person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter.

(B) A condition in which a ~~person~~, *person* has been found mentally incompetent under Section 1370 of the Penal Code and all of the following facts exist:

(i) The indictment or information pending against the person at the time of commitment charges a felony involving death, great

1 bodily harm, or a serious threat to the physical well-being of
2 another person.

3 (ii) The indictment or information has not been dismissed.

4 (iii) As a result of a mental health disorder, the person is unable
5 to understand the nature and purpose of the proceedings taken
6 against him or her and to assist counsel in the conduct of his or
7 her defense in a rational manner.

8 (2) For purposes of Article 3 (commencing with Section 5225)
9 and Article 4 (commencing with Section 5250), of Chapter 2, and
10 for the purposes of Chapter 3 (commencing with Section 5350),
11 “gravely disabled” means a condition in which a person, as a result
12 of impairment by chronic alcoholism, is unable to provide for his
13 or her basic personal needs for food, clothing, or shelter.

14 (3) The term “gravely disabled” does not include persons with
15 intellectual disabilities by reason of that disability alone.

16 (i) “Peace officer” means a duly sworn peace officer as that
17 term is defined in Chapter 4.5 (commencing with Section 830) of
18 Title 3 of Part 2 of the Penal Code who has completed the basic
19 training course established by the Commission on Peace Officer
20 Standards and Training, or any parole officer or probation officer
21 specified in Section 830.5 of the Penal Code when acting in relation
22 to cases for which he or she has a legally mandated responsibility.

23 (j) “Postcertification treatment” means an additional period of
24 treatment pursuant to Article 6 (commencing with Section 5300)
25 of Chapter 2.

26 (k) “Court,” unless otherwise specified, means a court of record.

27 (l) “Antipsychotic medication” means any medication
28 customarily prescribed for the treatment of symptoms of psychoses
29 and other severe mental and emotional disorders.

30 (m) “Emergency” means a situation in which action to impose
31 treatment over the person’s objection is immediately necessary
32 for the preservation of life or the prevention of serious bodily harm
33 to the patient or others, and it is impracticable to first gain consent.
34 It is not necessary for harm to take place or become unavoidable
35 prior to treatment.

36 (n) “Designated facility” or “facility designated by the county
37 for evaluation and treatment” means a facility that is licensed or
38 certified as a mental health treatment facility or a hospital, as
39 defined in subdivision (a) or (b) of Section 1250 of the Health and
40 Safety Code, by the State Department of Public Health, and may

1 include, but is not limited to, a licensed psychiatric hospital, a
2 licensed psychiatric health facility, and a certified crisis
3 stabilization unit.

4 (o) “Authorized professional” means any of the following:

5 (1) A mental health professional or category of mental health
6 professionals, excluding peace officers, who are authorized in
7 writing by a county to provide services described in Article 1
8 (commencing with Section 5150) of Chapter 2. An authorized
9 professional shall have appropriate training in mental health
10 disorders and determination of probable cause, and shall have
11 relevant experience in providing services to persons with mental
12 health disorders.

13 (2) An authorized professional as described in paragraph (1)
14 who is a member of the staff of a designated facility and who is
15 authorized by the facility to provide services described in this part.

16 (3) A member of a mobile crisis team who is authorized in
17 writing by a county to provide services described in Article 1
18 (commencing with Section 5150) of Chapter 2.

19 (p) “Emergency transport provider” means a provider of
20 ambulance services licensed by the Department of the California
21 Highway Patrol or operated by a public safety agency and includes
22 the authorized personnel of an emergency transport provider who
23 are certified or licensed under Section 1797.56, 1797.80, 1797.82,
24 or 1797.84 of the Health and Safety Code.

25 ~~(q) “Telehealth” means the telehealth services, as defined in~~
26 ~~paragraph (6) of subdivision (a) of Section 2290.5 of the Business~~
27 ~~and Professions Code, for the purpose of providing services under~~
28 ~~this part, including a probable cause determination, the release of~~
29 ~~a person from detention for evaluation and treatment, assessment~~
30 ~~or evaluation, and treatment. For purposes of this part, telehealth~~
31 ~~services may be used by any licensed professional, including a~~
32 ~~psychologist, clinical social worker, or other mental health~~
33 ~~professional, acting within the scope of his or her profession for~~
34 ~~providing evaluation, treatment, consultation, or other mental~~
35 ~~health services under this part.~~

36 SEC. 2. Section 5014 is added to the Welfare and Institutions
37 Code, to read:

38 5014. Each designated facility shall accept, within its clinical
39 capability and capacity, all categories of persons for whom it is
40 designated, without regard to insurance or financial status. If a

1 person presents to a designated facility with a psychiatric
2 emergency medical condition, as defined in subdivision (f) of
3 Section ~~5150.10~~, 5160, that is beyond its capability, the facility
4 shall assist the person in obtaining emergency services and care
5 at an appropriate facility.

6 SEC. 3. Section 5025 is added to the Welfare and Institutions
7 Code, to read:

8 5025. (a) The professional person in charge of a nondesignated
9 hospital, as defined in subdivision (c) of Section ~~5150.10~~, 5160,
10 his or her designee, the medical director of the nondesignated
11 hospital or his or her designee, the psychiatric professional who
12 has consulted with a treating emergency professional in accordance
13 with subdivision (c) of Section ~~5150.15~~, 5164, or a treating
14 emergency professional or other professional staff person who has
15 received training in managing persons who have been detained for
16 evaluation and treatment and the determination of probable cause
17 in accordance with Section 5150, and who is acting within the
18 scope of his or her official duties, employment or contractual
19 obligations, or clinical privileges for the nondesignated hospital,
20 shall not be civilly or criminally liable for any action by a person
21 detained pursuant to Article 1 (commencing with Section 5150)
22 of Chapter 2 of this part, and released at the end of 72 hours, or
23 before the end of 72 hours, if Section ~~5150.15~~ 5164 is satisfied.

24 (b) The peace officer responsible for the detainment of the
25 person shall not be civilly or criminally liable for any action by a
26 person released at or before the end of the 72-hour detainment
27 period pursuant to Article 1 (commencing with Section 5150) of
28 Chapter 2 of this part.

29 (c) A treating emergency professional or other professional staff
30 person who has received training in managing persons who have
31 been detained for evaluation and treatment and the determination
32 of probable cause in accordance with Section 5150, and who is
33 acting within the scope of his or her official duties, employment
34 or contractual obligations, or clinical privileges for the
35 nondesignated hospital shall not be liable for carrying out a
36 determination in accordance with Section ~~5150.15~~, 5164.

37 (d) Nothing in this section shall exonerate a person described
38 in this section from liability if that person acted with gross
39 negligence or willful or wanton misconduct.

SEC. 4. Section 5113 of the Welfare and Institutions Code is amended to read:

5113. Except as provided in Sections 5154, 5173, 5259.3, 5267, 5270.35, and 5306, the facility providing treatment pursuant to Article 1 (commencing with Section 5150), Article 1.5 (commencing with Section 5170), Article 4 (commencing with Section 5250), Article 4.5 (commencing with Section 5260), Article 4.7 (commencing with Section 5270.10), or Article 6 (commencing with Section 5300), a nondesignated hospital, as defined in subdivision (c) of Section ~~5150.10~~, 5160, the administrator of the facility or nondesignated hospital, the professional person in charge of the facility or nondesignated hospital, and his or her designee, or the peace officer responsible for the detainment of the person shall not be civilly or criminally liable for any action by a person released at or before the end of the period for which he or she was detained or admitted pursuant to the provisions of the appropriate article.

SEC. 5. Section 5113.5 is added to the Welfare and Institutions Code, to read:

5113.5. (a) A designated facility or nondesignated hospital, as defined in subdivision (c) of Section ~~5150.10~~, 5160, or a physician or other professional staff person who has received training in managing persons who have been detained for evaluation and treatment and determination of probable cause in accordance with Section 5150, and who is acting within the scope of his or her official duties, employment or contractual obligations, or clinical privileges for the designated facility or nondesignated hospital shall not be liable for any of the following:

(1) An injury caused by an eloping or eloped person who has been detained for a mental health disorder or addiction.

(2) An injury to, or the wrongful death of, an eloping or eloped person who has been detained for a mental health disorder or addiction.

(b) Nothing in this section shall exonerate a person described in this section from liability if that person acted with gross negligence or willful or wanton misconduct.

SEC. 6. Section 5150.1 of the Welfare and Institutions Code is amended to read:

5150.1. (a) No peace officer seeking to transport, or having transported, a person to a designated facility for assessment under

1 Section 5150, shall be instructed by mental health personnel to
2 take the person to, or keep the person at, a jail solely because of
3 the unavailability of an acute bed, nor shall the peace officer be
4 forbidden to transport the person directly to the designated facility.
5 No mental health employee from any county, state, city, or any
6 private agency providing Short-Doyle psychiatric emergency
7 services shall interfere with a peace officer performing duties under
8 Section 5150 by preventing the peace officer from entering a
9 designated facility with the person to be assessed, nor shall any
10 employee of such an agency require the peace officer to remove
11 the person without assessment as a condition of allowing the peace
12 officer to depart.

13 (b) An emergency transport provider or any certified or licensed
14 personnel of an emergency transport provider who has received
15 training in managing persons who have been detained for
16 evaluation and treatment and who is acting at the direction of a
17 peace officer to transport a person who has been detained by the
18 peace officer pursuant to subdivision (a) of Section 5150 to a
19 designated facility for assessment under Section 5151, or to a
20 nondesignated hospital, as defined in subdivision (c) of Section
21 ~~5150.10~~, 5160, for emergency services and care, is authorized to
22 continue the detention for the purpose of transporting the person
23 to the facility or the nondesignated hospital.

24 (c) "Peace officer" for the purposes of this section also means
25 a jailer seeking to transport or transporting a person in custody to
26 a designated facility for assessment consistent with Section 4011.6
27 or 4011.8 of the Penal Code and Section 5150.

28 SEC. 7. Section 5150.3 is added to the Welfare and Institutions
29 Code, to read:

30 5150.3. (a) An application for detention for evaluation and
31 treatment shall be valid in all counties in which there is a
32 designated facility to which the person may be taken.

33 (b) (1) If the person detained by a peace officer or authorized
34 professional is in a location other than a designated facility or
35 nondesignated hospital, the original or copy of the application for
36 detention for evaluation and treatment shall be presented to the
37 designated facility under paragraph (2) or the nondesignated
38 hospital under paragraph (3).

39 (2) If after detention under Section 5150, the person is first taken
40 to a designated facility, the original or a copy of the signed

1 application for detention for evaluation and treatment shall be
2 presented to the designated facility.

3 (3) If after detention under Section 5150, the person is first taken
4 to a nondesignated hospital, the original or a copy of the signed
5 application for detention for evaluation and treatment shall be
6 presented to the nondesignated hospital. If the person is
7 subsequently transferred to a designated facility, the nondesignated
8 hospital shall deliver the original or a copy of the signed application
9 for detention for evaluation and treatment to the designated facility.
10 If the person is discharged from the nondesignated hospital under
11 Section ~~5150.15~~ 5164 without a transfer to a designated facility,
12 the nondesignated hospital shall maintain the original or a copy
13 of the original signed application for detention for evaluation and
14 treatment.

15 (c) If a person detained for evaluation and treatment is
16 subsequently released pursuant to Section ~~5150.15~~ 5164 or 5151,
17 the application for detention for evaluation and treatment in the
18 possession of a designated facility or nondesignated hospital shall
19 be retained for the period of time required by the medical records
20 retention policy of the designated facility or nondesignated hospital.

21 SEC. 8. Article 1.1 (commencing with Section ~~5150.10~~ 5160)
22 is added to Chapter 2 of Part 1 of Division 5 of the Welfare and
23 Institutions Code, to read:

24
25 Article 1.1. Persons Detained in Nondesignated Hospitals

26
27 ~~5150.10.~~

28 5160. Unless the context otherwise requires, the following
29 definitions shall govern the construction of this article:

30 (a) "Emergency department of a nondesignated hospital" means
31 a basic, comprehensive, or standby emergency medical service
32 that is approved by the State Department of Public Health as a
33 special or supplemental service of a nondesignated hospital. For
34 purposes of this part, an emergency department of a nondesignated
35 hospital shall include an observation or similar unit of the hospital
36 that meets both of the following criteria:

37 (1) The unit is operated under the direction and policies of the
38 emergency department.

39 (2) The unit provides continuing emergency services and care
40 to patients prior to an inpatient admission, transfer, or discharge.

1 (b) “Emergency professional” means either of the following:

2 (1) A physician and surgeon who is board certified or pursuing
3 board certification in emergency medicine, or a qualified licensed
4 person, as defined in subdivision (e), during any scheduled period
5 that he or she is on duty to provide medical screening and treatment
6 of patients in an emergency department of a nondesignated hospital.

7 (2) A physician and surgeon, or a qualified licensed person, as
8 defined in subdivision (e), during any scheduled period that he or
9 she is on duty to provide medical screening and treatment of
10 patients in the emergency department of a nondesignated hospital
11 that is a critical access hospital within the meaning of Section
12 1250.7 of the Health and Safety Code. A physician and surgeon
13 on duty under this paragraph shall include a physician and surgeon
14 on call for a standby emergency medical service who is responsible
15 to provide professional coverage for the emergency department.
16 A physician and surgeon on duty under this paragraph does not
17 include a physician and surgeon who is providing on-call specialty
18 coverage services to the emergency department of a nondesignated
19 hospital, unless the physician and surgeon is an emergency
20 professional under paragraph (1).

21 (c) “Nondesignated hospital” means a general acute care
22 hospital, as defined in subdivision (a) of Section 1250 of the Health
23 and Safety Code or an acute psychiatric hospital, as defined in
24 subdivision (b) of Section 1250 of the Health and Safety Code,
25 that is not a designated facility, as defined in Section 5008.

26 (d) “Psychiatric professional” means a physician and surgeon
27 who is board certified or pursuing board certification in psychiatry
28 and who is providing specialty services to the emergency
29 department of a nondesignated hospital.

30 (e) “Qualified licensed person” means a licensed person
31 designated by the medical staff and governing body of a
32 nondesignated hospital to provide emergency services and care,
33 to the extent permitted by applicable law, in an emergency
34 department of the nondesignated hospital under the supervision
35 of a physician and surgeon.

36 (f) “Psychiatric emergency medical condition” has the same
37 meaning as defined in subdivision (k) of Section 1317.1 of the
38 Health and Safety Code.

1 ~~5150.12.~~

2 5161. (a) This section shall apply to a person who has been
3 detained for evaluation and treatment by a peace officer or an
4 authorized professional and is taken to an emergency department
5 of a nondesignated hospital for emergency services and care.

6 (b) While the person is in the emergency department of the
7 nondesignated hospital, the detention of the person for evaluation
8 and treatment shall continue, unless the person is released from
9 detention pursuant to Section ~~5150.15~~: 5164.

10 ~~5150.13.~~

11 5162. (a) This section shall apply if, during a person's
12 examination or treatment in an emergency department, there is a
13 need for a determination of probable cause for the detention of the
14 person for evaluation and treatment.

15 (b) If a person who has not been detained for evaluation and
16 treatment has signs or symptoms, in the judgment of the treating
17 emergency professional, that indicate probable cause for detention
18 for evaluation and treatment, the person shall have the right to a
19 prompt probable cause determination in accordance with any of
20 the following:

21 (1) The hospital may contact the county to arrange for a probable
22 cause determination by an authorized professional, including, but
23 not limited to, a member of a mobile crisis team.

24 ~~(2) The probable cause determination may be conducted by an~~
25 ~~authorized professional utilizing telehealth.~~

26 (2) *As part of an evaluation, an authorized professional may*
27 *conduct a probable cause determination and, upon a finding of*
28 *probable cause, detain the person for evaluation and treatment in*
29 *accordance with Section 5150.*

30 (3) The treating emergency professional may conduct a probable
31 cause determination and, upon a finding of probable cause, detain
32 the person for evaluation and treatment in accordance with Section
33 5150.

34 (c) If the person is detained for evaluation and treatment
35 pursuant to this section, the detention shall continue during his or
36 her stay in the emergency department of a nondesignated hospital,
37 unless the person is released from detention pursuant to Section
38 ~~5150.15~~ 5164 or the detention ends by reason of the expiration of
39 72 hours pursuant to subdivision (a) of Section 5150.

1 ~~5150.14.~~

2 5163. (a) This section shall apply to a person who is first
3 detained pursuant to Section 5150 for evaluation and treatment in
4 a nondesignated hospital emergency department or has been
5 detained pursuant to Section 5150 for evaluation and treatment
6 and first taken to an emergency department of a nondesignated
7 hospital.

8 (b) (1) Except as provided in subdivision (e), the nondesignated
9 hospital shall notify the county in which the nondesignated hospital
10 is located of the person's detention.

11 (2) If the person was detained for evaluation and treatment and
12 taken to the emergency department of the nondesignated hospital
13 pursuant to Section ~~5150.12~~, 5161, the notification shall occur
14 after the hospital has performed an initial medical screening of the
15 person in accordance with paragraphs (1) and (2) of subdivision
16 (a) of Section 1317.1 of the Health and Safety Code.

17 (3) If the person is first detained for evaluation and treatment
18 in the emergency department of the nondesignated hospital
19 pursuant to Section ~~5150.13~~, 5162, the notification shall occur
20 when the probable cause determination has been completed.

21 (c) The notification to the county shall be made using the
22 24-hour toll-free telephone number established by the county's
23 mental health program for psychiatric emergency services and
24 crisis stabilization if the county's mental health program has a
25 24-hour toll-free telephone number in operation on January 1,
26 2017, for this purpose. The notification shall be documented in
27 the patient's medical record.

28 (d) The nondesignated hospital shall advise the county of all of
29 the following:

30 (1) The time when the 72-hour detention period for evaluation
31 and treatment expires.

32 (2) An estimate of the time when the person will be medically
33 stable for transfer to a designated facility.

34 (3) The county in which the person resides, if known.

35 (e) The notification to the county under this section shall not
36 be required if the treating emergency professional determines that
37 the person will be admitted, pursuant to Section ~~5150.16~~, 5165, to
38 an acute care bed of a nondesignated hospital for the primary
39 purpose of receiving acute inpatient services for a medical
40 condition that is in addition to the person's psychiatric condition.

1 ~~5150.15.~~

2 5164. (a) This section shall establish a process for releasing
3 from detention a person who has been detained for evaluation and
4 treatment during the time that the person is detained in the
5 emergency department of a nondesignated hospital.

6 (b) If the treating emergency professional, after an examination
7 of the person, determines that a person does not have a mental
8 disorder, the treating professional may release the person from
9 detention for evaluation and treatment.

10 (c) If the treating emergency professional, after an examination
11 of the person, determines that a person has a mental disorder, but
12 there is no longer probable cause to continue the detention for
13 evaluation and treatment, the treating emergency professional may
14 release that person only when the treating emergency professional
15 has conducted a face-to-face examination and determined that the
16 person does not pose a danger to himself or herself or others, and
17 is not gravely disabled.

18 ~~5150.16.~~

19 5165. (a) A nondesignated hospital and the professional staff
20 of the nondesignated hospital shall not be civilly or criminally
21 liable for the transfer of a person detained for evaluation and
22 treatment to a designated facility in accordance with this article.

23 (b) The peace officer or authorized professional responsible for
24 the detention of the person for evaluation and treatment who
25 transfers the custody of the person to an emergency professional
26 of a nondesignated hospital shall not be civilly or criminally liable
27 for any of the following:

28 (1) The continuation and enforcement of the detention for
29 evaluation and treatment during the person's stay in the emergency
30 department of the nondesignated hospital prior to the discharge of
31 the person from the hospital in accordance with this article.

32 (2) The release of the person from detention for evaluation and
33 treatment in accordance with this article.

34 (3) The transfer of the person detained for evaluation and
35 treatment to a designated facility in accordance with this article.

36 (c) Nothing in this section shall exonerate a person described
37 in this section from liability if that person acted with gross
38 negligence or willful or wanton misconduct.

1 ~~5150.17.~~

2 5166. (a) A provider of ambulance services licensed by the
3 Department of the California Highway Patrol or operated by a
4 public safety agency, and the employees of those providers who
5 are certified or licensed under Section 1797.56 of the Health and
6 Safety Code, shall be authorized to ~~transport a person who is in a~~
7 ~~hospital or facility on a voluntary basis to a designated facility for~~
8 ~~psychiatric treatment. This do both of the following:~~

9 (1) *Transport a person who is in a hospital or facility on a*
10 *voluntary basis to a designated facility for psychiatric treatment.*

11 (2) *Transport, and continue the detention of, a person who is*
12 *detained for evaluation and treatment in a hospital or facility to*
13 *a designated facility for psychiatric treatment.*

14 (b) *This section shall apply to transfers from any type of facility,*
15 *including nondesignated hospitals and other facilities.*

16 ~~(b)~~

17 (c) A person shall not be detained for evaluation and treatment
18 solely for the purpose of transporting the person, or transferring
19 the person by a provider of ambulance services, to a designated
20 facility or an emergency department of a nondesignated hospital.

21 ~~5150.18.~~

22 5167. (a) Notwithstanding Section 5328, peace officers,
23 authorized professionals, emergency ~~professionals~~ *professionals*,
24 and other qualified professionals who participate in the
25 examination, consultation, treatment, placement, referral, or
26 transport of a person who is, or for whom there may be probable
27 cause to be, detained for evaluation and treatment under Section
28 5150 may engage in communication of patient information among
29 each other and with county behavioral health professionals and
30 staff, in the provision of emergency services, referral, and
31 placement for the person with a designated facility or other agency.
32 This includes communication about the historical course of the
33 person's mental disorder, as defined in Section 5150.05.

34 (b) Communication of patient information under this section
35 also includes both of the following:

36 (1) Communications between emergency medical personnel
37 and emergency professionals at a licensed hospital, as defined in
38 subdivision (a) or (b) of Section 1250 of the Health and Safety
39 Code, in examination and treatment of a person at the scene of an

1 emergency or in transport of the person to a hospital for emergency
2 services and care.

3 (2) Communications among emergency medical personnel,
4 emergency professionals, and authorized professionals at a
5 designated facility or a nondesignated hospital at which the person
6 may be evaluated, treated, placed, referred, or transported,
7 including during the course of transport.

8 (c) For purposes of this section, communications among
9 emergency medical personnel, emergency professionals, and
10 authorized professionals include communications with licensed
11 persons working under the supervision of emergency professionals
12 and authorized professionals.

13 SEC. 9. Section 5270.50 of the Welfare and Institutions Code
14 is amended to read:

15 5270.50. (a) Notwithstanding Section 5113, if the provisions
16 of Section 5270.35 have been met, the professional person in
17 charge of the facility providing intensive treatment, his or her
18 designee, the medical director of the facility or his or her designee
19 described in Section 5270.35, the psychiatrist directly responsible
20 for the person's treatment, or the psychologist shall not be held
21 civilly or criminally liable for any action by a person released
22 before or at the end of the 30 days of intensive treatment pursuant
23 to this article.

24 (b) The professional person in charge of the facility providing
25 intensive treatment or his or her designee, the medical director of
26 the facility or his or her designee described in Section 5270.35,
27 the psychiatrist directly responsible for the person's treatment, or
28 the psychologist shall not be held civilly or criminally liable for
29 any action by a person released at the end of the 30 days of
30 intensive treatment pursuant to this article.

31 (c) The attorney or advocate representing the person, the
32 court-appointed commissioner or referee, the certification review
33 hearing officer conducting the certification review hearing, or the
34 peace officer responsible for detaining the person shall not be
35 civilly or criminally liable for any action by a person released at
36 or before the end of the 30 days of intensive treatment pursuant to
37 this article.